IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9617 of 2005

Between:

1 Yadaiah Goud, S/o. Venkataiah Goud,
Kotakadra Village, Mahaboobnagar District.
2 Shyam Goud, S/o. Ramulu,
Mahaboobnagar District.
3 Kathulappa, S/o. Kashemappa,
Obulaipally, Mahaboobnagar District.

..... PETITIONERS

AND

1 The Excise Superintendent, Prohibition & Excise,
Mahaboobnagar.
2 The Inspector, Prohibition & Excise of SDTF
Mahaboobnagar.
3 Station House Officer, Prohibition & Excise,
Mahaboobnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in suspending the license vide Rc.No.B2/596/2005, dt.24.03.2005 as illegal, arbitrary and much against the principles of natural justice and consequently direct the respondents to set aside the proceedings vide Rc.No.B/596/2005, dt.24.03.2005 and to pass such order or orders.

Counsel for the Petitioner: MR.K.SRINIVASA REDDY

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

-

-

-

-

-

-

-

ORAL ORDER:

Heard both sides.

In this Writ Petition, the petitioner is seeking a Writ of Mandamus, declaring the action of the respondents in suspending the licence Vide Rc.No. B2/596/2005 dated 24.3.2005 as illegal, arbitrary and consequently direct the respondents to set aside the proceedings dated 24.3.2005.

As against the order of suspension, an appeal is provided under Section 63 of the A.P. Excise Act, 1968, to the Deputy Commissioner, and without availing the alternative remedy provided under the Act, the petitioner straightaway approached this court by way of this Writ Petition. Therefore, I see no reasons to entertain the Writ Petition under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 27.04.2005

ka

To

1 The Excise Superintendent, Prohibition & Excise,
Mahaboobnagar.
2 The Inspector, Prohibition & Excise of SDTF
Mahaboobnagar.
3 Station House Officer, Prohibition & Excise,
Mahaboobnagar.

4. Two CCs to G.P. for Prohibition and Excise, High Court of A.P., Hyderabad (OUT)

5. Two CD copies.